

PUBLIC WORKS & TRANSPORTATION COMMITTEE
of the
Suffolk County Legislature

Minutes

A regular meeting of the Public Works & Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Hauppauge, New York, on June 5, 2002.

Members Present:

Legislator Joseph Caracappa - Chairman
Legislator Brian Foley - Vice-Chair
Legislator Angie Carpenter
Legislator David Bishop
Legislator Andrew Crecca

Also in Attendance:

Paul Sabatino - Counsel to the Legislature
KelliAnne Sacchitello - Aide to Legislator Caracappa
BJ McCartan - Aide to Presiding Officer Tonna
Jim Spero - Deputy Director/Budget Review Office
John Ortiz - Budget Analyst/Budget Review Office
Bob Bortzfield - Deputy Budget Director/County Executive's Office
Nicole DeAngelo - Intergovernmental Relations/County Executive Office
Charles Bartha - Commissioner/Suffolk County Public Works Department
Richard LaValle - Chief Deputy Commissioner/SC Public Works Department
Leslie Mitchell - Deputy Commissioner/SC Public Works Department
Ben Wright - Suffolk County Department of Public Works
Bill Shannon - Suffolk County Department of Public Works
Bob Schinnick - Director/Transportation Division/DPW
J. Jioni Palmer - Newsday

Minutes Taken By:

Alison Mahoney - Court Stenographer

1

(*The meeting was called to order at 11:31 A.M.*)

CHAIRMAN CARACAPPA:

We'll start the Public Works meeting with a salute to the flag led by Legislator Carpenter.

Salutation

We have no cards. The Commissioner is not here yet but we'll get started and if there's any questions relating to resolutions that we get to, then we'll ask him then.

LEG. BISHOP:

Do we have our monthly update?

CHAIRMAN CARACAPPA:

It should have been sent to your office.

LEG. BISHOP:

Oh, okay.

CHAIRMAN CARACAPPA:

Sometimes they come like the day after depending on the timing of the committee.

LEG. BISHOP:

Can I ask a question?

CHAIRMAN CARACAPPA:

Sure. Mr. Shannon, why don't come on up, there's a question.

LEG. BISHOP:

I called on this a few weeks ago and we missed each other. The Hoffman Avenue project which I see work on, when the traffic lights are changed when does the actual light start to change, the arrows; when will the arrows take effect?

MR. SHANNON:

Immediately, that will be part of the general installation.

LEG. BISHOP:

Oh, so it's not done then.

MR. SHANNON:

No. No, we still have -- the traffic signal poles that we're using out there are mast arms due to the location with the tressel.

LEG. BISHOP:

Right.

MR. SHANNON:

And they have been back ordered, they have been on order for quite a while, they have not been delivered yet. So you will see a completely different installation.

2

LEG. BISHOP:

And I see you're repaving the road also now.

MR. SHANNON:

We decided that as part of that contract we wanted to take care of that launching effect that you had as you went over 12 from the south to north --

LEG. BISHOP:

Right.

MR. SHANNON:

-- at those two intersections, so we milled those out. We had to mill that out first, then cut the loops in for the traffic signals and then repave so that will all follow. We're trying to get all that work done so that when the traffic poles do come in we'll wrap it up quickly.

LEG. BISHOP:

Okay, so then we figure a few weeks then.

MR. SHANNON:

Yes.

LEG. BISHOP:

Thank you very much. I appreciate it.

CHAIRMAN CARACAPPA:

While you're here, I'm going to ask --

LEG. BISHOP:

I'm impressed that you had all the answers.

CHAIRMAN CARACAPPA:

I'm going to ask some questions relating to certain resolutions, and I know you can answer the first instance, funding ones, amending past resolutions, all the ones amending past resolutions for participation in construction; that's money coming back to us on all of those, correct?

MR. SHANNON:

Right, that's the application of { Balicelli} funds where we go from --

CHAIRMAN CARACAPPA:

Right, State funding.

MR. SHANNON:

-- 20% to 5%, so it's a plus for us.

LEG. BISHOP:

Can we get Counsel?

LEG. CARPENTER:

While we're waiting, can I ask a question on a specific project?

3

CHAIRMAN CARACAPPA:

Yes, Legislator Carpenter.

LEG. CARPENTER:

Bill, I just want to -- Legislator Caracappa and I were just commenting on how much we appreciate your efforts and you really do a wonderful job in the department.

MR. SHANNON:

I appreciate that. Thank you.

LEG. CARPENTER:

And your boss wasn't here to hear that so I'm going to say it again, you do a wonderful job in the department and we do appreciate your efforts.

On Wicks Road, and I know that we've been working on that, also in the Capital Program for next year I see that the dollars are in 2004 and not 2003; is that going to be problematic at any point for us, should we be moving some of that money into 2003?

MR. SHANNON:

I don't think so, Mrs. Carpenter. I think that in order for us to progress some of the projects that we've talked about, some right-of-way acquisitions may be unnecessary so that's going to push us back. I don't see that being a problem.

LEG. CARPENTER:

Okay.

MR. SHANNON:

I know that -- I have spoken to Doug and he has asked me to take a look at that project as a whole, so I'm going to go back and take a look at that.

LEG. CARPENTER:

Okay.

MR. SHANNON:

But at this point, I don't think there's a problem.

LEG. CARPENTER:

Very good. Thank you.

CHAIRMAN CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

How are we progressing on the information that some of the working groups for an Omnibus committee has been requested as to priorities for completing projects that have been previously appropriated but have not been bonded yet? In other words, you've received the authorization from the County Legislature, probably at your request, but the project has not yet been bonded because you're not ready to begin.

4

COMMISSIONER BARTHA:

Right, we have been asked, as I understand, to make a priority list of the top five projects for each division.

LEG. BISHOP:

No, I think what we're --

CHAIRMAN CARACAPPA:

No, it's much more.

LEG. BISHOP:

It's beyond that and -- well, I'll tell you what -- that's your understanding, only the top five; is that what you're working on right now?

COMMISSIONER BARTHA:

Yes.

LEG. BISHOP:

Then we have a communication problem, probably not your fault.

CHAIRMAN CARACAPPA:

No.

COMMISSIONER BARTHA:

Not communication with you but communication with the intermediary. All right, thank you.

COMMISSIONER BARTHA:

Our understanding --

CHAIRMAN CARACAPPA:

Go ahead, Charlie.

COMMISSIONER BARTHA:

Our understanding is that no one is waiting for anything from us right now, that we have not expected to be --

CHAIRMAN CARACAPPA:

No, no, no, no, no.

LEG. BISHOP:

All that council --

CHAIRMAN CARACAPPA:

It was requested that -- we made two requests, to the County Executive's people with relation to the projects in the Capital Program and Budget for 2003 and beyond, what their main priority projects were as we discussed them as a working group and as we developed amendments to the program which would be delivered on Tuesday. We also asked of the Public Works Department through Deputy Commissioner LaValle the standing of a whole host of projects for which there's been appropriations but still unauthorized bonds and the status of most of those projects and the priority for which you have selected them and where they're at at this point in time. From my understanding, there was that direct communication. And I don't want

5

to go through this whole thing like we did a couple of weeks ago going back to the minutes, but that's what we asked for.

CHIEF DEPUTY COMMISSIONER:

Well, there was a lot of confusion because when we were talking about -- we were having that discussion, there was also discussion as to what was happening between the Omnibus Committee and the County Exec's Office. And our understanding, that was going to happen through that -- those discussions rather than directly through us.

CHAIRMAN CARACAPPA:

Right. We made it clear that we would --

LEG. BISHOP:

They said they're waiting for information from you, the Executive Omnibus Committee.

CHAIRMAN CARACAPPA:

Yes. They came in immediately the next -- a couple of days later with their top 20 or so list --

LEG. BISHOP:

Future.

CHAIRMAN CARACAPPA:

-- for the program and Capital Budget for 2003 and beyond. What we wanted from you were the ones siting in Public Works, the ones that we've appropriated as a Legislature over the last three years or so, all the backlogs, what's getting done first, why are they getting done first, and we needed a list of those. And what was told to us, it would take you some time to do that and we have even mentioned that in the working group, that though we have the County Executive's list for

future projects, it would take some time for the past projects from the Department of Public Works, which we understand for the most part. But it's something we did request and if there was a mix up, we'd ask kindly that it's done expeditiously. I mean, we feel very, very -- we're hesitant to move forward with even slightest bit of aggressiveness with relation to the Capital Program and Budget without having some information relating to current projects. We'd like that as soon as possible, even though at this point in time it's not going to effect what we do with the proposed Capital Budget and Program. But we still need that for future deliberations with relation to policy decisions we're going to make regarding how we handle appropriations.

COMMISSIONER BARTHA:

We're --

CHAIRMAN CARACAPPA:

Would that be correct on behalf of the committee?

LEG. BISHOP:

I think it does effect the future as well. In other words -- I'll give you my perspective briefly. We got the report from Budget Review which says, in essence, that there is a backlog of Capital Projects that is multi-year, as much as three and a half years by their

6

estimate, you may have a different estimate, but I think there's no quarrel that there's a large backlog of projects. Perhaps it's, you know, Legislature adds, Executive, you know, keeps coming to us with their list, but the departments can't get that entire list done. Now there's a new capital spending program looking forward which would also not only maintain that backlog but actually increase it because it's a very aggressive capital plan.

So I want to know as a policy maker, and I think it's an opinion shared by other Legislators, which projects can we reasonably expect will get done in 2003, which projects will get done in 2004, five and six, so that we really have a true perspective on what the government is going to be able to accomplish in terms of capital spending in each of the successive years. And that's what we asked the Executive's representatives to come back to us with.

CHAIRMAN CARACAPPA:

On a prospective.

LEG. BISHOP:

But what we have now is a perspective, priorities perspective; in other words, they want to get the courts done, they want to get the County Center project done.

CHAIRMAN CARACAPPA:

Yes, we want retro.

LEG. BISHOP:

And a list of other important projects. But there's no yet -- as of yet, we have received nothing that looks at this back list and says, "Here is the priority out of the back list." That's what we're asking about.

COMMISSIONER BARTHA:

I understand, we'll certainly provide it to you. I think it will show you that a backlog is a misnomer. It is not true that we agree that there's a backlog.

LEG. BISHOP:
Oh really, at all?

COMMISSIONER BARTHA:
That's right.

CHAIRMAN CARACAPPA:
Well, we have to understand that though many projects go through the Department of Public Works with relation to capital expenditures and appropriations about unissued debt, a lot of it's land as well, a lot of it's equipment.

LEG. BISHOP:
I'm talking about land and equipment.

CHAIRMAN CARACAPPA:
So though the \$248 million of authorized unissued debt is there, not all of it is Public Works. What is Public Works, I'm sure a lot of it

7

is being handled and worked on as we speak, but the bottom line is I still feel and the committee feels and the Legislature feels there is a backlog in Capital Projects, whether it be land, equipment and/or projects going through the Department of Public Works. We respectfully disagree, that's all.

COMMISSIONER BARTHA:
I understand what you're asking for and we will be glad to provide it to you and then we can have something of substance to talk about rather than -- you know, we have asked from BRO for a list of projects that they believe are behind schedule and we haven't been given any list of projects they believe are behind schedule.

LEG. BISHOP:
Well, they point out that if we issue the bonds on all the projects that have been authorized, or as we say appropriated and I think appropriated is the wrong word, it's more of an authorization -- that it would be a quarter of a billion dollars -- 248 million, so that's a quarter of a billion -- a quarter of a billion dollars. There's no way, leaving aside the tens of millions of dollars that are just land, there's no way the department could do \$200 million worth of work in a single year, even using consultants.

COMMISSIONER BARTHA:
That's right, but these are not single year projects.

LEG. BISHOP:
So there's a backlog.

COMMISSIONER BARTHA:
We're not talking about single year projects here. We're involved in projects that are multi-year. Some of the designs on these Federal aid projects are scheduled to take three or four years, and you can't enter into a contract until the money is appropriated. And I think you'll find, we'll find that that's where a lot of this misunderstanding is. But we can't do that until a list is provided;

BRO has not been able to provide that list.

LEG. BISHOP:

So the ball is in --

COMMISSIONER BARTHA:

We will provide the list that was requested and then we'll have something intelligent to discuss.

LEG. BISHOP:

Jim, do you understand the Commissioner's perspective?

(*Legislator Crecca entered the meeting at 11:45 A.M.*)

MR. SPERO:

What we'll do is we'll go through the list of \$248 million and we'll print out a list of what Capital Projects have authorized and unissued funding and list each project, we'll try to get that from the Comptroller's Office. We have that? Okay, so we'll put that together

8

and we'll distribute it to the Legislators so they can see exactly where the --

LEG. BISHOP:

We can have that as soon as today? There's urgency, a sense of urgency here because, as I understand it, June 11th is some magic date and it had legal implication.

CHAIRMAN CARACAPPA:

Yes, we have to pass a Capital Budget that day.

LEG. BISHOP:

In some form.

CHAIRMAN CARACAPPA:

In the form.

LEG. BISHOP:

Well, you can always amend it.

LEG. CARPENTER:

Mr. Chairman?

LEG. BISHOP:

So, I mean, prior to June 11th, I would like a common set of facts to be developed so we can make decisions. I mean, if you're saying there's no backlog and they're saying there's this awful backlog, it's troubling, it makes for bad policy in the end because you have to know what you're doing.

LEG. FOLEY:

Joe, in --

CHAIRMAN CARACAPPA:

Legislator Carpenter is next, then Legislator Foley.

LEG. CARPENTER:

I think in addition to getting that list to us, it's important to get it to the department. And I would also suggest that perhaps with the

projects that are multi-year projects, that we should know that up front and maybe that's part of the problem. That if the project is planned to be a three or four or five year project, that we know that going into it. And perhaps that would eliminate a lot of the misunderstanding or misconception that, you know, we've got all of these projects out there and no one is doing anything about them. Because I know even with some of them within my district, like Wicks Road and Bay Shore Road, these are things that we have been working on for years but it literally does take years.

So I think if we are clearer in communicating this in the beginning, perhaps we won't have that sense of frustration that we've got these projects and nothing is really happening.

CHAIRMAN CARACAPPA:
Legislator Foley.

9

LEG. FOLEY:

Thank you. The list of projects runs about 314 or so projects; is that not correct, Jim, is that the figure that you had?

MR. SPERO:

We wrote up about 340 projects in our book, and that's not an exhaustive list, there are others that there could be funding and we didn't write the project up in our report.

LEG. FOLEY:

For some of the uninitiated, even for those of us who had been initiated in the process, when we hear of 340 projects or so, people then ask the question, "Well, is there some rhyme or reason as to the scheduling for all these projects," and I think that's part of what is being asked. I don't know how quickly you can put that together. Is that something that could be put together as quickly as next week for a number of these projects to give us an indication of --

COMMISSIONER BARTHA:

We asked for the list last week, we haven't received the list yet. When we see the list we'll be able to comment. At this point --

LEG. FOLEY:

Do you have --

COMMISSIONER BARTHA:

-- I expect --

LEG. FOLEY:

In a proactive way, though, Commissioner, do you have --

COMMISSIONER BARTHA:

A good percentage of those projects are projects that are virtually complete and in the punch list stage and are still carried as open projects.

LEG. BISHOP:

Good, nobody wants a big backlog.

COMMISSIONER BARTHA:

And as I say, when we have the list we'll be able to deal with it.

LEG. FOLEY:

Even absent the list -- hopefully you'll get it today, but even absent the list, when you look at the budget, when you look at the recommendation and analysis of the Capital Program, it lists all the projects so you know what the projects are. So instead of waiting for BRO to give you the list, I mean --

COMMISSIONER BARTHA:

Well, we didn't see anything where BRO said we were behind on any particular project.

LEG. FOLEY:

Well, if you can do this for us, at the very least, you have the list of 340 projects, can you give us some indication as to when do you

10

expect them to be under way, completed? You know, that's what I think we're looking for.

COMMISSIONER BARTHA:

Certainly.

LEG. FOLEY:

How long do you think something like that would take to put together?

COMMISSIONER BARTHA:

If all you're looking to know is whether it's under way, substantially completed --

LEG. FOLEY:

Well, prioritization and, you know, where it is on the time line. You know, it gets back to the whole issue of time line that some of us have been grappling with for years.

COMMISSIONER BARTHA:

Well, then it's going to take a long time to get back to you if you want all that information. If you're looking to know whether the project is substantially completed, whether we are 50% done on it and we're anticipating being done --

LEG. BISHOP:

Yeah.

LEG. FOLEY:

Yeah, yeah.

COMMISSIONER BARTHA:

That is something we can do.

LEG. FOLEY:

We call that a time line. We're not talking about when it goes to the County -- you know, when it's being signed by the attorneys, we like to know as the way you just described it, a quarter of the way done, half the way done, three-quarters of the way done. And then what we can do, again, it's not so much to be critical of the department, then we can mix and match to say if we approve this five years ago and it's half way done, tell us why it's only halfway done. If it was approved a year ago and it's almost done, you know, why did it seem to be given a higher priority even though, as we both know, there are these multi-year projects, particularly some of the larger road projects.

But these are questions that Legislators have a right to ask and need some answers to before we start I would say even loading on new projects into the program. Thank you.

CHAIRMAN CARACAPPA:
Dave?

LEG. BISHOP:
When does the department submit to the Legislature an appropriating, capital appropriating resolution?

11

COMMISSIONER BARTHA:
Well --

LEG. BISHOP:
At what point?

COMMISSIONER BARTHA:
On a design project, we would submit it when we were ready to issue an RFP to select the design consultant and proceed with it. On a construction project, it would be after we've completed the SEQRA process and had the funding available. There are --

LEG. BISHOP:
Do you think that this is the source of the confusion that we're --

COMMISSIONER BARTHA:
It's possible that some -- I mean, I hesitate to have a speculative conversation.

LEG. BISHOP:
Yes.

COMMISSIONER BARTHA:
But it's certainly possible that if money is budgeted in a particular year for construction say, we're not ready to bid it right away but we have completed the SEQRA process, that rather than lose the money because of the way the Capital Program is structured, that we would ask for the money even though we're not prepared to bid it right away.

LEG. BISHOP:
I think that's exactly what's happening in a lot of circumstances.

COMMISSIONER BARTHA:
But I offer that there will be a very small list of projects --

LEG. BISHOP:
That fall in that category.

COMMISSIONER BARTHA:
-- that we'll find that there's no action on but, you know, that's why we've asked for that list.

LEG. BISHOP:
No action on, very small. Okay, thank you.

CHAIRMAN CARACAPPA:
Okay. I can tell you this, though, Commissioner. Going through the Capital Budget cycle this time around with all the information and all

the numbers and all the lists and the ranking system, that we still don't -- some Legislators feels it's a ranking system based on getting the financing at all and the ranking system is viewed by other Legislators as construction priority. That on top of everything else is making us very squeamish to even move forward -- at least this legislator, speaking for myself -- to move forward with another dime of Capital appropriations until we clear all this up.

12

COMMISSIONER BARTHA:

Well, if I could offer a comment on that.

CHAIRMAN CARACAPPA:

Go right ahead.

COMMISSIONER BARTHA:

And I regret that I was not at the Capital Budget meeting.

CHAIRMAN CARACAPPA:

We understand.

COMMISSIONER BARTHA:

When we get this list we'll be able to -- and we get the information back to you, you can use that to make informed decisions with respect to appropriating the money. I would urge you not to cut back on the Capital Program and Budget because there's no appropriations attached to that and you will have better information available for sure by the time it comes to appropriating. So I'd urge you to you keep projects in the program and budget and deal with it at the appropriating stage.

CHAIRMAN CARACAPPA:

I understand --

LEG. FOLEY:

With what?

CHAIRMAN CARACAPPA:

He said -- his comments were don't cut back the Capital Program and basically show restraint -- not restraint, but deal with it when the appropriating resolution comes before us. My comment to that was I use that excuse every year when we lay out a Capital Budget and I, along with Legislator Foley, am always saying, "It's a blueprint for spending, we'll appropriate throughout the year, we'll show restraint throughout the year." Unfortunately, we have not shown restraint throughout the year either from the Executive side coming across with a tremendous amount of appropriating resolutions or Legislators coming across with a tremendous amount of appropriating resolutions for capital expenditures.

Priorities getting leapfrogged in front of the other, the ranking system falling to the wayside, we're just basically tripping over each other trying to get our projects done and what's happening is this backlog, in our view. Until we get better information, that's the way I see it. I understand you have a different opinion, but that's why I said earlier I'm not ready to move forward with another cent until I get better information as to which direction Capital appropriations and unissued debt is going. So that's, again, my own personal opinion.

COMMISSIONER BARTHA:

And I thank you for allowing me to express mine.

CHAIRMAN CARACAPPA:

Any time. Any other questions, comments? All right, let's go to the agenda.

13

TABLED RESOLUTIONS

1029-02 (P) - Imposing moratorium on sewer connections by properties located outside Suffolk County Sewer District No. 3 Southwest and establishing priority list (Postal). I'm going to make a motion to table that again. Is there a second?

LEG. CRECCA:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Crecca. All in favor? Opposed?
1029 s tabled (Vote: 5-0-0-0).

1464 -02 (P) - Transferring Escrow Account revenues and transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and Program and appropriating funds for the improvement and rehabilitation of the existing facilities in Suffolk County Sewer District No. 6 - Kings Park (CP 8144) (County Executive). Commissioner, we've discussed the possibility of doing the in-house financing through the Assessment Stabilization Reserve Fund. I have spoken to the County Executive's budget people about it as well, they feel it's not a bad idea. There are some questions going back and forth with relation to do we need to attach an interest with that, in the past there has not been, our Counsel says there needs to be at least a minimum of interest. Where are you with relation to at least being open to the suggestion? Because I can tell you, they're not going to get passed in the form that they are and we'd like to see the in-house financing move forward.

COMMISSIONER BARTHA:

We're clearly open to it, especially understand those circumstances. But yes, we're absolutely open to it. And we actually have sent over a revised resolution request to the Legislature, so we're --

CHAIRMAN CARACAPPA:

Oh, good.

COMMISSIONER BARTHA:

To the County Executive.

LEG. FOLEY:

Is it live now?

COMMISSIONER BARTHA:

No, I don't believe so.

CHAIRMAN CARACAPPA:

It would probably in the packet.

LEG. FOLEY:

Oh, in the packet. It's a new bill?

COMMISSIONER BARTHA:
I'll have to check with Ben.

14

CHAIRMAN CARACAPPA:
It would have to be a new bill, Brian.

MR. WRIGHT:
We sent three new ones over with the new wording, the other two I talked to John about with having them revised prior to next Tuesday. So I defer to John from the Budget Review Office as far as the new WHEREAS and RESOLVED clauses that we came up with, the wording.

CHAIRMAN CARACAPPA:
Those corrected copies have not been done yet, though, right? Jim?

MR. SPERO:
I think we're still -- the policy is still evolving as we're speaking here.

CHAIRMAN CARACAPPA:
Yes.

MR. SPERO:
I know Ben -- while Ben came up with some language, it's up to the Legislators and the County Executive as to what you are going to agree on as far as drawing down money from the Assessment Stabilization Reserve Fund.

COMMISSIONER BARTHA:
We'll continue to work with the BRO office, hopefully we'll have information to you in time to consider for Tuesday, but if not we'll get it to you before the next meeting.

LEG. FOLEY:
Motion to table.

CHAIRMAN CARACAPPA:
We just want either the corrected copies done and/or the new resolutions filed in a timely manner so that we have them during the next cycle to discuss and hopefully pass.

LEG. BISHOP:
And cleaned up before summer.

CHAIRMAN CARACAPPA:
And get it all cleaned up before summer, absolutely right. Okay, motion to table, second -- by Legislator Foley, second by myself. All in favor? Opposed? Tabled (Vote: 5-0-0-0).

1504-02 (P) - A Local Law to reform process for Public Works change-orders (Towle). Motion to table by myself.

LEG. CARPENTER:
Second.

CHAIRMAN CARACAPPA:
Second by Legislator Carpenter. Any discussion? All in favor? Opposed? Abstained? 1504 is tabled (Vote: 5-0-0-0).

1531-02 (P) - Transferring Escrow Account revenues and transferring Assessment Stabilization Reserve Funds to the Capital Fund, amending the 2002 Operating Budget, amending the 2002 Capital Budget and Program and appropriating funds for improvements and/or rehabilitation of existing facilities in Suffolk County Sewer District No. 3 - Southwest (CP 8170) (County Executive). This is another one with instances we just mentioned. Motion to table by myself, second by Legislator Foley. All in favor? Opposed? It's tabled (Vote: 5-0-0-0).

1558-02 (P) - Approving Cross Bay Ferry License for Bay Shore Ferry, Inc (Presiding Officer Tonna). We had the public hearing on this, right, Paul?

MR. SABATINO:
Yes.

CHAIRMAN CARACAPPA:
There's no Budget Review report because there was no increase in rates.

MR. SPERO:
This is the Bay Shore ferry, this would be their initial application for a license. We're editing a report right now for the Legislature's consideration.

CHAIRMAN CARACAPPA:
Motion to table by Legislator --

LEG. BISHOP:
Are they trying to get service for this summer?

MR. SPERO:
Yes.

LEG. BISHOP:
Are they --

MR. SPERO:
And our recommendation is going to be that the individual involved has Coast Guard Certified Vessels, he's got landing rights on both sides, on the mainland and on Fire Island. Actually, it's to provide service to his own restaurant is what he's really doing.

LEG. BISHOP:
What's that called, motion to --

LEG. FOLEY:
Going to Robin's Rest.

MR. SPERO:
And we're recommending that the Legislature grant his requested one year license.

LEG. BISHOP:
Motion to discharge without recommendation pending the report.

MR. SPERO:

And we'll have our report out probably later today.

CHAIRMAN CARACAPPA:

In the report you're saying you recommend that we move forward?

MR. SPERO:

Yeah. He's requesting a one year license to operate initially for one year, his requested rates are lower than those being charged by other ferry companies and --

LEG. BISHOP:

He has a sea worthy vessel.

MR. SPERO:

He has a sea Coast Guard Certified vessel, he has landing rights on both sides of the Island, so he seems to be ready to roll. He has the approval of the Town of Islip to operate a ferry service from the location in Bay Shore.

CHAIRMAN CARACAPPA:

The cash controls, let's talk about that.

MR. SPERO:

He has to implement a cash control system as a condition of his license, he would have to do that.

LEG. BISHOP:

It's more regulated than the current ones.

LEG. CARPENTER:

It's in the resolution?

CHAIRMAN CARACAPPA:

That's in the resolution?

MR. SPERO:

I don't know if it's in the resolution but --

CHAIRMAN CARACAPPA:

Paul?

MR. SPERO:

-- it's in our report, it will be in our report.

MR. SABATINO:

I don't believe that's in the -- it's not in the resolution because the report hasn't come out yet making that recommendation and the applicant filed this resolution before there was a report, so it's not there.

CHAIRMAN CARACAPPA:

Well, speaking, again, for myself, we just went through a whole process of problems with cash controls not being in a prior license agreement with a ferry company or the water taxi and the problems that we faced due to that. So I'd hate to say one thing and two weeks

later just discharge it without recommendation, though I hear he's almost there and we want to get this guy up and running for the sake of not only the patrons that are going to go across the bay but also

for his business being the restaurant as well. But I am very hesitant to pass a resolution now out of this committee not knowing that this person has cash controls in place, and the same problem that occurred that we discussed ad nauseam will occur again.

LEG. BISHOP:

Has anybody communicated this cash -- go ahead, Jim.

MR. SPERO:

He's represented to us that he's going to implement a duplex ticketing system similar to what the north and south ferries use on Shelter Island, they will be sequentially numbered tickets.

LEG. BISHOP:

Right.

MR. SPERO:

The passengers will be issued a ticket receipt so that there would be a record of the sale of the tickets. This is the type of system that's in use now.

LEG. BISHOP:

That's cash control?

CHAIRMAN CARACAPPA:

Yes.

MR. SPERO:

Yes.

LEG. BISHOP:

Okay. So now if that's written into the resolution the problem is solved.

LEG. CARPENTER:

Right.

LEG. BISHOP:

What's the last point that the resolution can be -- are we past it?

CHAIRMAN CARACAPPA:

Yesterday. Monday I mean.

MR. SABATINO:

Monday was the deadline. But in fairness to the applicant, I mean, when we he filed his resolution there was no report, so he couldn't have anticipated the condition. Normally what would happen is the application is filed, the petition is filed, there is a public hearing, then there's a report and if the report makes five suggestions or two suggestions, whatever the case is --

LEG. BISHOP:

I'm going to offer this up. I think that we should file -- can we

18

file a subsequent resolution, can we approve it with this --

MR. SABATINO:

If I can make a suggestion.

LEG. BISHOP:

Legally; I'm not asking for --

LEG. FOLEY:

If they can come forward with the changes by next Tuesday --

LEG. BISHOP:

-- for opinions from Legislators, I'm asking legally can we do that, can we approve this license and then do a resolution the next cycle?

CHAIRMAN CARACAPPA:

Go get a CN.

LEG. FOLEY:

It's his resolution, the County Executive.

MR. SABATINO:

If you pass the resolution without the conditions --

LEG. BISHOP:

Without that one condition, because it's too late to get it into the cycle. You have a business that's a, what is it, a ten week business to begin with and you're going to cut out 20% of it on an issue where there's agreement. They say they're going to have -- Budget Review even described the cash controls that they're going to have.

CHAIRMAN CARACAPPA:

It's not written in the resolution yet, though. How can we -- after what we just went through, how could we just willy nilly --

LEG. BISHOP:

Well, I find it highly ironic if we held up this one who's doing it correctly because we're mad at the other one who's doing it incorrectly.

LEG. FOLEY:

There's a certain assumption -- through the Chair, there's a certain assumption being made that the only patrons -- the only patrons to his restaurant are going to be cross bay patrons. There's going to be a lot of lateral taxis that can still -- lateral taxis and the like that can still go to -- that could go there. This is a cross-bay license, it's not a -- I don't think it's a --

CHAIRMAN CARACAPPA:

It's mainland.

LEG. FOLEY:

It's a mainland. Most of his patrons, and I stand to be corrected, but most of his patrons are going to be from Fire Island. So the lateral taxi, the lateral boating, if you will, is where most of his business is going to come from. I mean, the simplest solution is for the

19

sponsor of the bill, the Presiding Officer or the County Executive's Office is here, is to have a CN for next Tuesday instead of going through all these machinations. That's all that has to happen.

LEG. CARPENTER:

Also, it should be noted that this -- through the Chair, that this particular restaurant, if I remember correctly, unless it's changed,

has a dock and boat slips, so that it really services the general boating public who go there by their own boats and dock there.

LEG. FOLEY:

Right. No doubt some of the patrons will come cross-bay, but most will come from other beaches.

CHAIRMAN CARACAPPA:

We're not punishing, there's a process.

MR. SABATINO:

Let me just add this additional observation which is that there are two resolutions; one is granting the license and one if the rate, so you could put the condition in the second resolution which would be on the rates since that really pertains to that.

LEG. BISHOP:

But they need both, right?

MR. SABATINO:

But you still need a CN if you want to do it on Tuesday which presumably shouldn't be a problem if the applicant is going to agree.

LEG. BISHOP:

Okay.

MR. SABATINO:

I mean, I don't know if he's going to agree but --

LEG. BISHOP:

I would urge -- all right. In that case, why doesn't Counsel make the change to put in the cash control language. And who is here from the Executive's Office who can carry that message back? Nicole. We will anticipate a CN. It seems like the fair -- otherwise --

CHAIRMAN CARACAPPA:

It's an option, I don't know if it's going to happen. It's an option.

LEG. BISHOP:

Is there -- out of fairness to the company, are there other problems that we need to know?

CHAIRMAN CARACAPPA:

I have no problem with a CN, it's not my call.

LEG. BISHOP:

Yeah, I know.

20

CHAIRMAN CARACAPPA:

It's not our call.

LEG. CRECCA:

But I want to see -- are we going to see the report before Tuesday?

LEG. CARPENTER:

Yeah, is the report going to be ready for Tuesday?

LEG. BISHOP:

So discharge it without recommendation.

MR. SPERO:

It should be out tomorrow morning.

LEG. CARPENTER:

And then, too, we're meeting in two weeks, so if for some reason we're not able to do the CN and do everything, we're meeting two weeks from now.

CHAIRMAN CARACAPPA:

I would like to get it done today but I'm not going to do it without the language. I'd like to see a CN on Tuesday for it so that, as Legislator Bishop correctly points out, that this person can get on with doing his business or her business expeditiously seeing that the summer season is limited. So I will make a motion to table.

LEG. FOLEY:

Second the motion to table.

CHAIRMAN CARACAPPA:

Second by Legislator Foley. All in favor? Opposed? Abstained? It's tabled (Vote: 5-0-0-0).

1559-02 (P) - Authorization for rates for Bay Shore Ferry, Inc (Presiding Officer Tonna).

LEG. FOLEY:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, second by myself. All in favor? Opposed? Abstained? Tabled (Vote: 5-0-0-0).

I would like to see a CN for this as well because it would be needed for them to move forward.

LEG. BISHOP:

Yes, they need both resolutions.

CHAIRMAN CARACAPPA:

So both resolutions are being requested by this committee with the new language for a CN on Tuesday, if that at all is possible.

21

INTRODUCTORY RESOLUTIONS

1633-02 (P) - Amending the 2002 Capital Program & Budget and appropriating funds for the construction of sidewalks on various County Roads (CP 5497.325) (Foley).

LEG. FOLEY:

Motion to table.

CHAIRMAN CARACAPPA:

Motion to table by Legislator Foley, the sponsor, second by myself. All in favor? Opposed? It's tabled (Vote: 5-0-0-0).

LEG. FOLEY:

Thank you.

CHAIRMAN CARACAPPA:

1650-02 (P) - Amending Resolution No. 800 of 2000 and accepting State Aid in connection with the reconstruction of Park Avenue Culvert, Town of Babylon (CP 5371.314) (County Executive).

LEG. BISHOP:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Bishop, second by Legislator Carpenter. All in favor? Opposed? Abstained? It's approved (Vote: 5-0-0-0).

1651-02 (P) - Amending Resolution No. 1196-1997 for participation in engineering in connection with the reconstruction of CR 16, Portion/Horseblock Road, Town of Brookhaven (CP 5511.111) (County Executive). Motion by Legislator Foley, second by myself. All in favor? Opposed? Abstained? Approved (Vote: 5-0-0-0).

1652-02 (P) - Amending Resolution No. 498 of 1999 for participation in construction and construction inspection for the installation of guide rail on various County Roads (CP 5553.310) (County Executive).

LEG. FOLEY:

Motion to approve.

LEG. CARPENTER:

Second.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second --

LEG. FOLEY:

On the motion.

CHAIRMAN CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Commissioner, both this resolution as well as 1659 and 1661, the memo mentions that there's attached documentation as to where in the County

22

you intend to do these various things but there's no attached -- it says attachment but there's no attachment as to locations. So while I'm going to approve the resolution, I would ask you for this resolution to give us --

CHAIRMAN CARACAPPA:

We'll still on 1653.

LEG. FOLEY:

I understand, but --

CHAIRMAN CARACAPPA:

That's accepting money.

LEG. FOLEY:

Fifty-two, we're on 52, the guard rail.

CHAIRMAN CARACAPPA:

Correct, 52.

LEG. FOLEY:

If you can get us a copy?

COMMISSIONER BARTHA:

I'll fax it to you this afternoon.

LEG. FOLEY:

Yes. Thank you.

CHAIRMAN CARACAPPA:

Well, this is a project from '99, Brian, that we're accepting State aid on this.

LEG. FOLEY:

I know. But still, whether they've done the guide rail or not I don't know, but okay. It still would be helpful.

CHAIRMAN CARACAPPA:

Okay, it's approved (Vote: 5-0-0-0).

1653-02 (P) - Amending Resolution No. 896 of 1996 and 1226 of 1997 for participation in engineering for the reconstruction of a portion of CR 16, Portion/Horseblock Road, from Ronkonkoma Avenue to CR 97, Nicol's Road, Town of Brookhaven (CP 5511.110) (County Executive).

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second by myself. All in favor? Opposed? It's approved (Vote: 5-0-0-0).

1659-02 (P) - Amending the 2002 Capital Budget & Program and appropriating funds in connection with the rehabilitation of parking lots, drives and curbs (CP 1678) (County Executive). Where is this happening, Commissioner?

23

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley. Is there a second?

LEG. CARPENTER:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Carpenter.

LEG. FOLEY:

It speaks of attachments but there's no attachment to the resolution.

COMMISSIONER BARTHA:

I will have that faxed to you this afternoon.

CHAIRMAN CARACAPPA:

Okay. There's a motion and a second. All in favor? Opposed?

I'm opposed.

LEG. BISHOP:
Which one?

CHAIRMAN CARACAPPA:
1659.

LEG. BISHOP:
Opposed.

CHAIRMAN CARACAPPA:
Legislator Bishop is opposed. It's approved (Vote: 3-2-0-0 Opposed:
Legislators Caracappa & Bishop).

1661-02 (P) - Amending the 2002 Capital Budget & Program and
appropriating funds in connection with traffic signal improvements on
various County Roads (CP 5054) (County Executive). No backup on this
either.

LEG. FOLEY:
There is --

CHAIRMAN CARACAPPA:
Not on mine.

LEG. FOLEY:
There's back up but there's insufficient backup.

CHAIRMAN CARACAPPA:
No locations.

LEG. FOLEY:
There's not a listing of locations. You know, this is one of the more
important resolutions by virtue of the fact that it's for traffic
signal improvements. The backup speaks of not being tied to a

24

particular list, although there is a generalized list that has been
developed.

COMMISSIONER BARTHA:
Yes, we'll get you the -- I don't know what happened.

LEG. FOLEY:
All right. Do we want to keep it in committee or report it out and
then we'll have that list for us certainly by the end of today that
way --

LEG. BISHOP:
Why don't we have --

LEG. FOLEY:
I still have the floor. Then by Tuesday, then by Tuesday we'd have
the list and we can distribute it to everybody. So we could report it
out and then get the list prior to Tuesday.

CHAIRMAN CARACAPPA:
We could. Legislator Bishop.

LEG. BISHOP:

Why do we need to -- this is a project that's in the Capital Budget; why are we amending the Capital Budget in order to move forward with it?

COMMISSIONER BARTHA:

This has to do with the way it's bonded from operating, I believe.

LEG. FOLEY:

We had the one year exemption.

LEG. BISHOP:

This is -- oh, okay, this would be 5-25-5. Okay, I understand.

LEG. CRECCA:

It's bonded, in other words?

CHAIRMAN CARACAPPA:

One year exemption.

LEG. BISHOP:

Yeah, okay. There's a discharge motion?

CHAIRMAN CARACAPPA:

There's no motion.

LEG. FOLEY:

I'll make a motion to approve given the importance of it, but with the full understanding that by the end of the workday --

COMMISSIONER BARTHA:

Yes, by the end of today it will be faxed.

25

LEG. FOLEY:

-- the whole committee will get a copy.

LEG. CARPENTER:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed? I'm opposed. Approved (Vote: 4-1-0-0 Opposed: Legislator Caracappa).

1663-02 (P) - Amending Resolution Nos. 1172 of 1997 and 1244 of 2001 for participation in engineering in connection with the reconstruction of a portion of CR 3, Pinelawn Road, Town of Huntington (CP 5510.110) (County Executive).

LEG. BISHOP:

Same question.

CHAIRMAN CARACAPPA:

This is receiving --

COMMISSIONER BARTHA:

This increases the non County share, so the County would only be paying 5% instead of 20%.

LEG. FOLEY:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Foley, second by Legislator Crecca. All in favor? Opposed? Abstained? Oh, that's your town?

LEG. BISHOP:

It's all right.

CHAIRMAN CARACAPPA:

Crecca's in Huntington, too, right?

LEG. CRECCA:

Yes, I am.

LEG. BISHOP:

It goes down into Babylon.

CHAIRMAN CARACAPPA:

Okay. Approved (Vote: 5-0-0-0).

1664-02 (P) - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the painting of bridges at various locations in Suffolk County (CP 5815) (County Executive). This is the same explanation as 1661.

LEG. FOLEY:

Motion.

26

CHAIRMAN CARACAPPA:

There's a motion by Legislator Foley.

LEG. CRECCA:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Crecca.

LEG. FOLEY:

On the motion. Commissioner, it only speaks of one bridge, the West Bay Bridge in Southampton that's supposed to be painted under this project

COMMISSIONER BARTHA:

That's correct, that's a Bascule Bridge, it's a major undertaking.

LEG. FOLEY:

Are there other -- is that the only one that's going to be painted this year or are there other bridges that are going to be painted during the year?

MR. SHANNON:

We currently have several bridges under way, we have one, Smith Point Bridge we're also going to be painting this year and then this will follow in the fall. So there are -- there's a continuous process of painting bridges.

LEG. FOLEY:

Okay.

CHAIRMAN CARACAPPA:

There's a motion and a second. All in favor? Opposed? I'm opposed.
Approved (Vote: 4-1-0-0 Opposed: Legislator Caracappa).

1676-02 (P) - Amending the 2002 Capital Budget & Program and
appropriating funds in connection with the dredging of County waters
(CP 5200)(County Executive).

LEG. CARPENTER:

Motion.

CHAIRMAN CARACAPPA:

Motion by Legislator Carpenter, second by Legislator Foley. Any
discussion? All in favor? Opposed? Abstention? I'm opposed.
Approved (Vote: 4-1-0-0 Opposed: Legislator Caracappa).

LEG. FOLEY:

Just on the motion.

CHAIRMAN CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

No, after the vote.

27

CHAIRMAN CARACAPPA:

It's approved. Discussion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Commissioner, with the Mud Creek project in
Brookhaven, what I'd like to do is sit down with you and speak of
where we intend to place the dredge spoils. Because one of the things
that we're trying to do along that corridor of County-owned property
is, as you know, your division is working with Fish and Wildlife for
Habitat Restoration for {lease terms} and Piping Plover. This
particular project could lend itself quite nicely to a restoration
project in that part of the Great South Bay. Okay?

COMMISSIONER BARTHA:

Sure. Certainly, glad to work with yourself and the town on that.

LEG. FOLEY:

Great. Thank you.

LEG. CRECCA:

Motion to reconsider?

LEG. FOLEY:

No. You really don't want to reconsider.

CHAIRMAN CARACAPPA:

Is there a second?

LEG. FOLEY:

These are resolutions that are important to navigational safety.

CHAIRMAN CARACAPPA:

There's no second.

LEG. CRECCA:

Okay, it fails for lack of a second.

LEG. CARPENTER:

Okay, next.

CHAIRMAN CARACAPPA:

1697-02 - Authorizing execution of --

MS. MAHONEY:

Seventy-nine.

CHAIRMAN CARACAPPA:

Oh, did I miss -- I missed one, sorry. 1679, pardon me, authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 14 - Parkland with the developer of Burger King at Waverly Avenue (County Executive). Legislator Foley?

LEG. FOLEY:

I had opposed this last year when I was on the Sewer Agency Committee. The committee is free to act on it as it so sees fit, but I'm opposed to the connection.

28

CHAIRMAN CARACAPPA:

It's your district, right? I will make a motion.

LEG. CARPENTER:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Carpenter. All in favor? Opposed?

LEG. FOLEY:

Opposed.

CHAIRMAN CARACAPPA:

Legislator Foley is opposed.

LEG. BISHOP:

Opposed.

CHAIRMAN CARACAPPA:

Legislator Bishop is opposed. It's approved 3-2 (Vote: 3-2-0-0 - Opposed: Legislators Bishop & Foley).

1689-02 (P) - Implementing lowered bus fares for students (Carpenter). This is a Carpenter/Foley bill.

LEG. CRECCA:

Is there a fiscal impact statement to this?

CHAIRMAN CARACAPPA:

There is no fiscal impact statement attached. Budget Review, would you, please, John?

MR. ORTIZ:

The fiscal impact will be a loss of about \$135,000 in revenue.

LEG. FOLEY:
Impossible.

LEG. CARPENTER:
Impossible; in fact, it will probably get more students on the bus.

CHAIRMAN CARACAPPA:
A hundred and thirty-five thousand in operating revenue?

MR. ORTIZ:
There is a potential for increased ridership, but about 8% of the ridership is students and you're lowering their fare.

CHAIRMAN CARACAPPA:
You're basing your number on the current ridership.

MR. ORTIZ:
That's correct.

29

CHAIRMAN CARACAPPA:
And everything else is speculation with relation to increased ridership.

MR. ORTIZ:
Yes.

LEG. BISHOP:
We just raised the fare how much?

CHAIRMAN CARACAPPA:
Twenty-five cents.

MR. ORTIZ:
You raised it up to \$1.75.

LEG. BISHOP:
To generate how much revenue?

MR. ORTIZ:
I'm not sure of that number.

LEG. BISHOP:
The same amount (inaudible).

CHAIRMAN CARACAPPA:
Yeah, exactly.

LEG. FOLEY:
Well, the philosophy behind this is the fact that going back decades there used to be a time in this County where students had discounted fares on buses. And for some reason, as time went by, we may want to hear from Mr. Schinnick on this, that hasn't -- somehow that just went by the boards. So the intent -- I'm not speaking on behalf of Legislator Carpenter, but certainly as one of the cosponsors -- the intent here is to help students who utilize mass transit to get to and from school, particularly for those students who stay after school for a variety of extra curricular activities.

CHAIRMAN CARACAPPA:

Legislator Bishop, do you have a comment?

LEG. BISHOP:

Just that it seems to me that all folk who use the buses in Suffolk County tend to be -- most folk who use the buses tend to be in the low economic status. So subsidizing one out of the whole is not a fair cost shifting, you know, it's not -- you know, having the rest of the ridership subsidize the students is not necessarily taking a group with more funds and helping a group with less funds since everybody across the board seems to be in the lower economic strata, generally speaking.

CHAIRMAN CARACAPPA:

I personally -- sorry.

30

LEG. BISHOP:

I don't know if this is a wise way to fund this. Perhaps --

LEG. CARPENTER:

If I could.

LEG. BISHOP:

Perhaps we should do it through the college, maybe the college can provide some sort of transportation voucher or something like that.

LEG. FOLEY:

Actually what this brought this about was -- sorry, Legislator Carpenter.

LEG. CARPENTER:

It was a high school student, if I could respond.

CHAIRMAN CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

A high school student who attends -- no, it's more than one because the issue has been raised before and I had inquired about this about a year or so ago. But in this instance, students who stay after school whose district does not provide late bus service has to pay full fare on the buses and the question arose why not a student fare. There is a senior citizen fare, this would not be as low as the senior citizen fare, this would take the fare from a dollar seventy-five to a dollar, the senior fare is now seventy-five cents. So it would be more than the senior fare but less than the regular fare for those that are going to work and using public transportation.

LEG. BISHOP:

I think, if I may. If we have --

CHAIRMAN CARACAPPA:

Sure, why not.

LEG. BISHOP:

Excuse me, you're right. May I?

CHAIRMAN CARACAPPA:

Yes.

LEG. BISHOP:

If we're going to have a subsidy of any type, perhaps it should be something tied into the volume of trips taken. So if you have students who use the bus every day then we can -- something along to the metro card or something along that line, based on the number of trips rather than just saying any student who uses the bus at any time is going to pay less, which, as you know, in the end will mean that they'll come back to us and want to raise the fares for everybody for next year which is why I'm so troubled by this. Because according to that analysis, the loss of revenue is almost equal to what we had a raise in revenue this year by raising the fare by a quarter.

31

CHAIRMAN CARACAPPA:

Absolutely. If I can just jump in here. I certainly think the goal of the legislation is laudable, to say the least, but the fact of the matter is I think this is a subject for when we go into discussion on the Operating Budget for 2003. In light of the very difficult Operating Budget that we're dealing with now, what we went through as a Budget Committee last year in drafting an operating budget for Fiscal Year '02, two making the very tough decisions with relation to bus fares and a whole host of other fees throughout the County of Suffolk, not to mention taxes, we promised that we'd show restraint with relation to changing the structure of that budget throughout the year. This is certainly, again, something we should look into, but only during the upcoming budget cycle to see if we can, number one, roll back the initial bus increase and, number two, if things are good enough, we can actually implement a student discount as well. To do it now mid stream I think is unprudent fiscally, though again, the intention is right and it's there and it's something we should be looking into, but in the middle of the year is not the time. Especially when school is about to go into recess and when they come out of recess we're going to go right into the budget process and that's the time to discuss it.

LEG. CARPENTER:

If I could.

CHAIRMAN CARACAPPA:

So that's my reasons for not supporting it at this point in time. But I will stand with the sponsors come October and work diligently with them to make this a priority during the budget process for '03.

LEG. CARPENTER:

If I could respond. I think the reasons that the Chairman has shared for why we should not be supporting this at this time are the very reasons I would offer that we should be supporting it. School is out now, this resolution is directing the Director of Transportation to hold the public hearings and, if it's deemed to appropriate to lower the fares, to lower the fares and it would be lowered in time for the start of the school year in September. So I think it certainly would be more appropriate to go in that direction. And I really believe that the buses that we see, I have never, that I can recall, ever seen a bus go by that had every seat occupied and was full. And I think that whatever we can do to encourage ridership and this hopefully certainly would encourage ridership, the fact that we're talking about a dollar and not fumbling with change, I think you would see more students using the buses. So I would offer that in the interest of increasing ridership and doing the right thing for the students of the County, that we should in fact approve this resolution now and allow

the Director to have those hearings on this issue.

LEG. FOLEY:

Mr. Chairman, if I may?

CHAIRMAN CARACAPPA:

Legislator Foley.

32

LEG. FOLEY:

Thank you. Just to follow up on Legislator Carpenter's remarks. You know, the department is about to undertake in a short period of time marketing and advertising for the use of the buses. You know, this really is a way to get a young group of students, to try to have them use the bus. I think it's a way to, in fact, encourage them to use mass transit. We're trying to change the culture of the automobile out here and one of the ways we can do it, particularly those who are in an age group where they're waiting to get their driver's license and they want to get their own card and the like, well, the fact of the matter is if it's shown to them that in a relatively inexpensive way they can get to a number of places by using a bus as opposed to getting a car, then we're changing that car culture which is what we're trying to do in order to find different modes, different alternatives for transportation.

But what I would like to ask, Mr. Chair, through the Chair, if we can have Mr. Schinnick who is a Division Director to give us his thoughts on this resolution. And also, ever so briefly, but was there not a period of time when there was a student discount for --

MR. SCHINNICK:

Legislator Foley, to my knowledge, there has never been a student discount in the Suffolk County Transit Bus operations. However, students that were enrolled in parochial schools and after-school activities quite often through their school districts had arrangements with the various bus companies for their transportation.

LEG. FOLEY:

What do you mean by arrangements?

MR. SCHINNICK:

I am not clear on the exact law at the time, there may still be a law, but there was a situation where school districts within 20 miles would transport students to and from after-school activities. But beyond that distance, they did not have to do it so some districts opted not to do that, but instead made arrangements directly with the bus system for kids to be able to travel for free, actually it was paid for though.

LEG. FOLEY:

As far as the rest of the bill, what's your thoughts about the bill?

COMMISSIONER BARTHA:

Could I comment first, and then Bill? Bob can talk about the details.

LEG. FOLEY:

We do set the policy but we also would like to have those who administer our policy, just give us your thoughts about not whether you're opposed or agree to it but your own thoughts about --

COMMISSIONER BARTHA:

We share the reservations that are expressed about decreasing the revenue at this time. Other than that, in a global view the only thing else I would like to point out is that public hearings are not

33

required to lower bus fares. So we would suggest that if the resolution goes forward that we not have a public hearing.

LEG. CARPENTER:

Great, don't have one.

LEG. FOLEY:

You don't require a public hearing to lower, only to raise.

COMMISSIONER BARTHA:

Right.

LEG. FOLEY:

So we would have to amend the resolution?

COMMISSIONER BARTHA:

Sure.

LEG. FOLEY:

Does the resolution require a public hearing?

MR. SCHINNICK:

The resolution does, yes.

LEG. CARPENTER:

It calls for one, I don't know if it requires.

COMMISSIONER BARTHA:

It directs us to have a public hearing. Bob is welcome to --

LEG. CRECCA:

Mr. Chairman?

CHAIRMAN CARACAPPA:

Legislator Crecca.

LEG. CRECCA:

Is Budget review -- I know, John, you gave us the number of \$135,000.

LEG. FOLEY:

You really have to --

LEG. CRECCA:

What's that?

LEG. FOLEY:

I don't mean -- well, I'll wait for my turn.

LEG. CARPENTER:

It does say to hold the required public hearings.

LEG. CRECCA:

That's okay. I don't mind, I just wanted to wait.

CHAIRMAN CARACAPPA:
Legislator Crecca, go ahead.

34

LEG. CRECCA:
Is there a fiscal impact statement that was prepared or no?

MR. ORTIZ:
It will be ready by Tuesday. I can fax it to you later today.

LEG. CRECCA:
No, that's all right. That will detail out what the 135,000 is based on?

MR. ORTIZ:
Yes, about 160,000 riders.

LEG. CRECCA:
A hundred and sixty?

MR. ORTIZ:
Yeah.

LEG. CRECCA:
And what is that based on, surveys that we've done in the past?

MR. ORTIZ:
It's directly from the Transportation Division, they occasionally survey their riders. That number is probably a very conservative number.

LEG. CRECCA:
The 135?

MR. ORTIZ:
It could be higher than that, yes.

LEG. CARPENTER:
It could be lower.

MR. ORTIZ:
It could be lower, but --

LEG. CARPENTER:
Thank you.

MR. SCHNICCICK:
If I may, it's --

CHAIRMAN CARACAPPA:
No, let Budget Review.

MR. ORTIZ:
We estimate through Transportation's numbers that it's about eight to 14%, we were going with the 8% number to be conservative.

MR. SCHINNICK:
That's correct. We found a range in past surveys that roughly eight to 12% actually were people saying they were going to and from school,

and that could be high school and it could be college. So our

35

estimate is based on the lower end of the range which is 8% of the full fare riders. Of course, some of the riders may be transferred people, they could be handicapped individuals paying a lower fare. So we estimated that of the full fare riders, still 8% of the ridership could be going to and from school, and that's where that number was generated from.

LEG. FOLEY:

Through the Chair, but is that based on five days a week, one day a week?

MR. SCHINNICK:

That's an annualized, we just took the annual figure.

LEG. FOLEY:

Well, the 134,000, if it's based upon 8% of your ridership, is of high school age, there's going to be drop of \$135,000; is that based on that student using the bus once a week, twice a week, eight times a week?

MR. SCHINNICK:

Legislators, they could be using it --

LEG. FOLEY:

Three months out of the year?

MR. SCHINNICK:

-- one or two days a week or five days a week based on the survey, it just projects over the annual ridership.

LEG. FOLEY:

It's on the ridership, but to arrive at the figure, don't you have to figure in how often they may use the bus?

MR. SCHINNICK:

We count people by every time they get on the bus, and actually their fares are counted by what goes into the fare box, so it would be 8% of that activity.

LEG. FOLEY:

Okay.

CHAIRMAN CARACAPPA:

Any other discussion on this? There is a motion and a second by Legislator Carpenter and Foley. I'm going to make a motion to table.

LEG. CRECCA:

Second.

CHAIRMAN CARACAPPA:

Second by Legislator Crecca. All in favor of the tabling? Aye.

LEG. FOLEY:

Opposed.

36

LEG. CARPENTER:

Opposed.

CHAIRMAN CARACAPPA:

Obviously Brian and Angie are opposed. Tabling fails (Vote: 2-2-0-1 Opposed: Legislators Foley & Carpenter - Not Present: Legislator Bishop).

LEG. CRECCA:

If we can get copy of that report from Budget Review also by the next -- before the next meeting so that we can take a closer look at this.

CHAIRMAN CARACAPPA:

They just left the room so we'll skip over it for now.

1692-02 - Amending the Suffolk County Temporary Classification and Salary Plan in connection with a new title within the Department of Public Works (Vector Control Supervisor) (County Executive). I'm going to make a motion to defer to prime.

LEG. CRECCA:

Second.

CHAIRMAN CARACAPPA:

All in favor? Opposed? Abstained? I believe it passed out of Human Resources, correct? Deferred to prime (VOTE: 5-0-0-0) **SEE NOTE ON PAGE 38**

LEG. FOLEY:

Legislator Bishop will be in momentarily, Mr. Chairman.

CHAIRMAN CARACAPPA:

Legislator -- well, who knows what the future holds, Charlie. Commissioner Bartha.

COMMISSIONER BARTHA:

While you're waiting to have the vote on the other matter, I would like to point out that in IR 1650 which you approved, that was for a grant of \$500,000 that the department received subsequent to the design and the start of construction on a bridge Park Avenue Culvert that Bill and his staff received. That half of million dollars is directly because of innovative design that they employed and under the program the State has to recognize that. So that was --

CHAIRMAN CARACAPPA:

Very good. Congratulations. Thank you for your work.

LEG. FOLEY:

Do we have to deal with the tabling motion?

CHAIRMAN CARACAPPA:

Yes, we're going back to 1689. There was a motion to table by myself, second by Legislator Crecca. All in favor? Opposed?

37

LEG. FOLEY:

Opposed.

LEG. CARPENTER:

Opposed.

CHAIRMAN CARACAPPA:

Legislator Foley and Legislator Carpenter. It's 3-2, is that a passage on the table?

LEG. CARPENTER:

Yes.

CHAIRMAN CARACAPPA:

It's tabled (Vote: 3-2-0-0 - Opposed: Legislators Foley & Carpenter).

Any other business to come before the Public Works Committee?

LEG. BISHOP:

Did you do 1692?

CHAIRMAN CARACAPPA:

Yes, we deferred to prime. **Add Legislator Bishop to that vote.**

LEG. BISHOP:

Motion to adjourn.

CHAIRMAN CARACAPPA:

We stand adjourned at 12:30 P.M.

(*The meeting was adjourned at 12:30 P.M.*)

Legislator Joseph Caracappa, Chairman
Public Works & Transportation Committee

{ } - Denotes Spelled Phonetically